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The Science of Penology. By HENRY M. BOIES. New York, G. P. Putnam's Sons, 1901. — 459 pp.

This book purports to present the subject of the criminal, and the treatment of the criminal by the state, in a systematic form as a distinct science, — the science of penology.

The method employed is that of analogy. The author classifies the matter of his "science" under the heads of Diagnostics, Therapeutics and Hygienics. These terms are used in accordance with the author's notion that

penology . . . is similar to the science of medicine and surgery in that its province is not only to cure specific cases of disease but also to prevent the genesis, recurrence and spread of disease. The disease of criminality must be abstractly investigated, treated and controlled by measures of the same kind as those which have dealt successfully with the other great maladies afflicting humanity. It will be subdued if at all, or so far as it is possible, just as smallpox, cholera, yellow and typhoid fevers, diphtheria, and tuberculosis, those once incurable and terrible diseases, have been — by scientific investigation and the discovery and application of appropriate remedies and prophylactics.

We turn, therefore, to the section on diagnostics expecting to find a detailed examination of the physiques of typical criminals, with some conclusions as to the seat of the disease and the cause of the diseased condition of the organs. We find nothing of the kind. The section is devoted merely to more or less interesting talk about the characteristics and classification of criminals, as set forth by Drähms and Ferré, the classification of crimes, methods of detection and identification of criminals, criminal codes and machinery for the state control of criminals. There is nothing original in these pages. Furthermore, the investigations of some acknowledged authorities, as, for instance, those of Josiah Flynt, are not referred to. Hence the author's use of the term diagnostics is unscientific. He has carried over from physiology a term denoting, in that science, the description of bodily symptoms of disease, and has used it to cover certain observations which are not such a description and have only a very faint analogy thereto. Indeed, he goes so far as to admit that there is, as yet, no certain and systematic account of the bodily symptoms of criminality; in other words, there are no diagnostics of criminality:

The comprehensive anthropological and psychological examinations made by skilled scientists have so far failed to establish any invariable diagnosis of criminality previous to the overt crime. They have demonstrated

that a large proportion of criminals possess certain physical, mental and moral characteristics; but not that all possessing such characteristics are criminals. It has been found, besides, that not even all of those who have been convicted of crime belong to the criminal class.

Thus the author's science of penology is merely an analogical grouping of certain facts; it is not a science.

The absurd extent to which Mr. Boies carries his analogy is evident from his analysis of the causes of crime :

Physicians recognize three kinds of causes of disease: the procatactic, which is an antecedent condition of things outside of the principal cause, facilitating the production of the effect; the proegumenal, or that within the principal cause which either predisposes or directly excites it to action; and the synectic, or continent cause, which is the essence of the disease itself, considered as the cause of the symptoms. Applying these terms to our analysis, we find that moral depravity or degeneracy may be denominated the synectic cause of criminality. This is an abnormal and unnatural condition of the organic structure of the human system, which necessarily produces faulty and erroneous function. This organic abnormality may be of physical, mental or moral system. . . . The proegumenal cause exists in the abnormal relations of the organs, or their unnatural operations. . . . The procatactic causes of moral depravity are those which produce the defective or diseased condition of the human organism and its faulty functions.

We need go no further to show how completely the author is under the control of his invalid theory of "penology." His ignorance of scientific method is evident from his use of the term "law." Some examples are as follows :

It is its law: That criminal jurisprudence must provide for the proper separate care and training of neglected and delinquent children and juvenile offenders.

Science formulates this law: That society must secure protection from crime and the social disease of criminality by treatment of individual criminals.

It is a positive law of Penology: That the restriction of criminality depends mainly upon prevention of the disease of moral depravity.

It is, then, a law of modern Penology, that every person convicted of crime must be kept in confinement until cured of the disposition to commit crime.

It is a law of our science that convicts in confinement need, and are entitled to receive from the power which confines them, skilful professional treatment.

Nothing could show more clearly how completely the author has failed to grasp the rudiments of scientific method than his use of the term "law" to denote a recommendation for practical procedure.

In the second part of his analogy the author groups under the heading Therapeutics his observations as to the proper treatment of criminals by the state. His scheme is this :

Science requires the state to provide reformatory prisons for the first confinement of her convicts, and that they shall be sentenced to such reformatories under an indeterminate sentence. . . . As soon as it can be decided that disease of a convict in the reformatory is so obdurate and deep-seated as to be incurable, provision must be made by law for his removal to a penitentiary intended solely for secure confinement and economical maintenance.

Curable cases are to be confined in the reformatory until cured. Then follows an uncritical review of the work of the Elmira Reformatory, together with a eulogy of Mr. Brockway, showing that the author is led to make the reformatory the centre of his system, not so much from a judicious estimate of the results of the work at Elmira, as from an unqualified admiration for Mr. Brockway. Of the latter he writes : "To him is due the credit of having not only practically invented, but, what is much more difficult, proved by actual use, the inestimable value of the indeterminate sentence." And again : "There is no better statement of the position of modern penologists than that made by Mr. Brockway himself." Then follow the latter's statements as given in *The Reformatory System in the United States*, p. 22.

Now we do not object to the eulogizing of Mr. Brockway nor to the attempt to propagate the latter's views. But we demur when Mr. Boies makes bold to call his propaganda "science," and particularly when his enthusiasm leads him to ignore plain facts. Any historical student could inform Mr. Boies that Mr. Brockway was *not* the inventor of the indeterminate sentence. This scheme originated in the ticket-of-leave system, which was in vogue in the penal colonies of England in the eighteenth century and was legalized by George IV for the penal colonies. In 1857 it was extended to men confined in hulks, and in 1867 to prisoners confined in penitentiaries. Barring the maximum period of imprisonment involved in the ticket-of-leave system, the only difference between it and the indeterminate sentence is that the length of the term of imprisonment depends in the former on good conduct, in the latter on the period required to "cure" the convict. Mr. Brockway's invention

consists therefore in the notion of "curing" convicts, and the value of his invention depends on how far he can cure.

Mr. Brockway estimated that 83.4 per cent of the convicts paroled from the Elmira Reformatory up to September 30, 1899, were reformed. He based this claim on the fact that this is the percentage who either were never heard from again or were favorably heard from. However, it is probable that many whom Mr. Brockway, on these grounds, regarded as reformed were rearrested under other names and found their way into jails and prisons. Whatever we may believe, it never yet has been proven that the methods employed at Elmira are more "curative" than those employed at Auburn or Sing Sing. This breaks down Mr. Boies's nice mathematical demonstrations that Elmira is an economical way of caring for criminals. Mr. Brockway and his friends have still to prove that it is not an unprofitable burden for the taxpayers, and hence that their hospital is not a sentimental whim indulged in at the expense of the welfare of society as a whole. If Mr. Boies wishes to propagate Mr. Brockway's ideas, he would do well to turn his attention to this statistical problem rather than to waste his time in deducing a "science of penology" out of his smallpox theory of criminality.

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Manuel théorique et pratique des opérations de banque. Les banques de dépôt, les banques de crédit, et les sociétés financières. Par ANDRÉ E. SAYOUS. Paris, Larose, 1901. — 344 pp.

The almost exclusive attention given by Continental writers to banks of issue leads the reader to anticipate much from a book in which, as the title suggests, the author has consciously turned his attention away from that familiar field. M. Sayous sees very clearly the need of the study of other financial institutions, on account of their intrinsic importance and as essential to any real understanding of the nature of general banking questions. Somewhat more than half the volume is devoted to banking operations, from discounts to the organization and flotation of new companies, and is followed by chapters upon the organization and working of banks in France, Germany and England.

The purpose and general plan of the work are admirable; unfortunately its execution is such as to render the book nearly if not quite valueless. The exposition is vague and inconclusive; for there is practically no analysis of actual conditions resting upon concrete